

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12966 of Benigno Lopez, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1 and Paragraph 7107.22) to construct a rear addition to a single family dwelling which is a non-conforming structure in an R-2 District at the premises 3700 Alton Place, N. W., (Square 1890, Lot 99).

HEARING DATE: 6/20/79
DECISION DATE: 10/3/79

FINDINGS OF FACT:

1. The subject property is located at the southwest corner of the intersection of Alton Place and Reno Road and is known as 3700 Alton Place, N. W. It is in an R-2 District.

2. The subject site is 3,585 square feet in area and is improved with a semi-detached single family brick dwelling that faces Alton Place. The adjoining single family dwelling faces Reno Road, number 4416 Reno Road.

3. The existing structure is non-conforming in that the western side of the lot which is considered as the rear yard by the Zoning Administrator is approximately 12.5 feet instead of the required twenty feet. In as much as the house faces Alton Place, the western side of the house functions as a side yard. The applicant proposes to construct an addition to the house approximately fourteen feet deep and twelve feet wide on this side.

4. With the proposed addition the rear yard will measure 0.50 feet. A variance of 19.50 feet (97.50 percent) is required.

5. The subject semi-detached two story brick house is similar in height, bulk, and style to the construction of the adjoining single family house facing Reno Road and also to the semi-detached houses on adjacent lots facing Alton Place.

6. The western side of the subject structure, where the proposed addition is proposed, is presently occupied by a well kept patio which is adjacent to a similar patio located in the rear of 4416 Reno Road. The subject patio is also adjacent to the rear yard of 3704 Alton Place.

7. The house on the western side where the addition requiring the variance is proposed, 3704 Alton Place appears to be located at a distance of eight feet from the western property line of the subject lot.

8. The subject property is located in a well maintained exclusively residential neighborhood. The property also is well maintained.

9. The applicant has stated that the addition to the house is needed to provide additional living space for an elderly mother-in-law.

10. At the public hearing the Board requested the Office of Planning and Development to prepare a report on the application. In its report of July 6, 1979, the Office of Planning and Development recommended that the application be denied. The OPD reported that the subject property is developed with a semi-detached single family house similar to other single family houses at the subject location. The proposed addition is likely to impact adjoining yards adversely by limiting light and air. The Board so finds.

11. The Board directed that the applicant receive a copy of the OPD report and be given the opportunity to respond to it. The applicant was out of the country for several months. By letter of 9/17/79 the applicant acknowledged receipt of the OPD report. He stated that his neighbors had no opposition to the application and the proposed addition was mainly for his mother-in-law's comfort.

12. ANC-3F made no recommendation on the application.

13. There was nothing in the record to reflect opposition to or support of the application.


CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing of a practical difficulty stemming from the property itself. In the subject application, there is no practical difficulty arising from the property. Any difficulty is one of personal circumstances which is not a basis for granting an area variance. In addition, the findings of fact are clear that the variance could not be granted without substantial detriment, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 4-1 (Walter B. Lewis, Charles R. Norris, Chloethiel Woodard Smith and Leonard L. McCants to DENY, William F. McIntosh OPPOSED).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 7 DEC 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."